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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,377	05/22/2001	Edward P. Daniels JR.	F-170	8688

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EXAMINER

LE, MIRANDA

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 04/13/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,377

Applicant(s)

DANIELS ET AL.

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 03/01/2004.
2. Claims 1-10 are pending in this application. Claims 1, 5, 7-10 are independent claims. In the Amendment A, claims 1, 5, 7-10 have been amended. This action is made Final.
3. The objection to the specification (claim objection) of the invention has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Balma et al. (US Patent No. 6,157,945).

Balma anticipated independent claims 1, 5, 7, 8, 9, 10, by the following:

As per claim 1, Balma teaches “a method for locating a recipient of a message in a corporation using a computerized system comprising:

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(a) compiling a database of a recipient's scheduled location, the recipient's delivery preference and the corporation's preference" at col. 2, lines 34-39, col. 2, lines 7-14, col. 7, lines 56-67, col. 8, line 16 to col. 9, line 11, Fig. 5 (database 200);

"(b) providing access to recipient's location and delivery preference database of (a)" col. 1, lines 38-48, col. 2, lines 7-33, col. 4, lines 37-61, col. 11, lines 29-46;

"(c) updating the recipient's scheduled location and/or delivery preference" at col. 2, lines 26-52, col. 10, lines 36-58, col. 9, lines 64-66;

"(d) allowing access to updated schedule and delivery preference to facilitate delivery of message to recipient at updated scheduled location" at col. 2, lines 26-52, col. 10, lines 9-58, col. 9, lines 29-46.

As per claim 5, Balma teaches "a method for locating a recipient of a message in a corporation using a computerized system comprising:

(a) compiling a database of an recipient's scheduled location, the recipient's delivery preference and the corporation's preference" at col. 8, line 9 to col. 9, line 11;

"(b) providing access to recipient's location and delivery preference database of (a)" at col. 1, lines 38-48, col. 2, lines 1-33, col. 11, lines 29-46, col. 4, lines 37-61;

"(c) providing access to corporate schedule organizer" at col. 11, lines 29-45, col. 9, lines 29-46, col. 2, lines 1-14;

"(d) updating recipient's scheduled location in corporate schedule organizer" at col. 10, lines 9-58;

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“(e) monitoring corporate schedule organizer for location change in the recipient's schedule” at col. 9, line 29 to col. 10, line 58;

“(f) updating recipient's scheduled location according to location changes monitored in (e)” at col. 10, lines 36-58;

“(g) allowing access to updated schedule to facilitate delivery of message to recipient at updated scheduled location” at col. 2, lines 26-52, col. 9, lines 29-46, col. 10, lines 9-36.

As per claim 7, Balma teaches “A method for locating a recipient of a message in a corporation using a computerized system comprising:

(a) compiling a database of a recipient's scheduled location, the recipient's delivery preference and the corporation's preference” at col. 8, line 9 to col. 9, line 11;

“(b) providing access to recipient's location and delivery preference database of (a)” at col. 2, lines 1-14, col. 9, lines 24-26, col. 11, lines 29-45;

“(c) updating the recipient's scheduled location and/or delivery preference” at col. 2, lines 26-52, col. 10, lines 38-58;

“(d) setting priority of conflicting corporate and recipient preference” at col. 15, lines 11-28, Fig. 5;

“(e) allowing access to updated schedules and delivery preferences to facilitate delivery of message to recipient at updated scheduled location” at col. 2, lines 26-52, col. 9, lines 29-46, col. 10, lines 9-36.

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As per claim 8, Balma teaches “A computer based system for locating a recipient of a message in a corporation using a computerized system comprising:

(a) a component for compiling a database of an recipient's scheduled locations, the entities delivery preference and the corporation's preference” at col. 8, line 9 to col. 9, line 11;

“(b) a database containing the recipient's scheduled location, the entities delivery preference and the corporation's preference” at col. 10, lines 9-36;

“(c) a component for providing access to recipient's location and delivery preference in database (b)” at col. 10, lines 9-36, col. 11, lines 29-45;

“(d) a component for updating the recipient's scheduled location and/or delivery preference” at col. 10, lines 9-58, col. 11, lines 46-67;

“(e) a component for allowing access to updated schedule and delivery preference to facilitate delivery of message to recipient at updated scheduled location” at col. 10, lines 9-58, col. 11, lines 46-67.

As per claim 9, Balma teaches “a computer based system for locating a recipient of a message in a corporation using a computerized system comprising:

(a) a component for compiling a database of an recipient's scheduled location, the recipient's delivery preference and the corporation's preference” at col. 8, line 9 to col. 9, line 11;

“(b) a database containing the recipient's scheduled location, the entities delivery preference and the corporation's preference” at col. 10, lines 9-36;

“(c) a component for providing access to the database of (b)” at col. 10, lines 9-36, col. 11, lines 29-46;

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“(d) a component for providing access to corporate schedule organizer” at col. 10, lines 9-36, col. 11, lines 29-46, col. 2, lines 26-52;

“(e) a corporate schedule organizer” at col. 9, line 29 to col. 10, line 8;

“(f) a component for updating recipient's scheduled location in corporate schedule organizer” at col. 10, lines 11-58;

“(g) a component for monitoring corporate schedule organizer for location change in the recipients schedule and updating database (b) with schedule location change” at col. 10, lines 11-58, col. 11, lines 46-67;

“(h) a component for allowing access to updated schedule(s) to facilitate delivery of message to recipient at updated scheduled location” at col. 10, lines 11-58, col. 11, lines 46-67.

As per claim 10, Balma teaches “A computer based system for locating a recipient of a message in a corporation using a computerized system comprising:

(a) a component for compiling a database of a recipient's scheduled locations, the recipient's delivery preference and a corporation's preference” at col. 8, line 9 to col. 9, line 11;

“(b) a database containing recipient's scheduled locations, the recipient's delivery preference and the corporation's preference compiled in (a)” at col. 10, lines 9-58;

“(c) a component for providing access to recipient's location and delivery preference database (b)” at col. 10, lines 9-58;

“(d) a component for updating the recipient's scheduled location and/or delivery preference” at col. 10, lines 11-58;

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“(e) a component for setting hierarchy of conflicting corporate and recipient preference”
at col. 10, lines 9-36;

“(f) a component for allowing access to updated schedules and delivery preference to
facilitate delivery of message to recipient at updated scheduled location” at col. 10, lines 11-58,
col. 11, lines 46-67.

As to claims 2, 6, Balma teaches “the recipient update's the recipient's scheduled
location and/or delivery preference in step (c)” at col. 10, lines 9-58.

As per claim 3, Balma teaches “the access in step (b) is via a computer based network”
at col. 3, lines 43-64, col. 4, lines 6-36, Fig. 1.

As per claim 4, Balma teaches “the access in step (b) is via the Telephone” at col. 6,
lines 6-26, Fig. 2.

Response to Arguments

6. Applicant's arguments filed 03/01/04 have been fully considered but they are not
persuasive.

Applicant argues that there are no teachings for providing a "corporate preference". On
the contrary, Balma does teach this limitation at col. 4, lines 51-61, col. 8, lines 10 to col. 9, line
9. The present invention is directed to a method and system for providing an up-to-the-minute
location of a recipient for delivery of a message (Abstract). Similarly, Balma is directed toward
a method and system for routing or forwarding communications to an intended recipient. The

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forwarding or routing of communications to the intended recipient may be made based on one or more of the time and date, an indication from the intended recipient that he has arrived at a predefined location or at a new and undefined location, based on an automatically sensed position of the recipient, or based on checking in to a hotel by the intended recipient (Abstract).

As shown in Fig. 5, "preference order 206" in the user database 200 can be used to specify alternative modes of communication (col. 8, lines 31-32), if the first preference of a user is facsimile, and the network office appliance 100 attempts to transmit a facsimile to the recipient but the facsimile cannot be successfully transmitted, the second preference may be used such as electronic mail. If the second choice cannot successfully deliver the communication, the third choice in the preference order may be attempt, and so on (col. 8, lines 34-40). The preferred form of communication as defined by the recipient, is used to deliver a message, however, if the profile of a user is not complete enough, the system allows automatic selection of the mode of communication to be used to deliver a message (i.e. corporate rules may override a "recipient's delivery preference") (col. 4, lines 37-42). This is in effect a default conversion, which may be defined by a system administrator (i.e. corporate preference) (col. 4, lines 55-56). The system could automatically and properly forward communications in an appropriate format (e.g. from email to facsimile or vice-versa, from a PowerPoint file to disk or to a slide), even if not entered by the recipient (col. 4, lines 49-51), or if the recipient did not have a compatible network office. This is pursuant to Applicant's remarks that "the advantage of providing a "corporate preference" is that an administrator of the system may provide corporate rules for forwarding messages, which corporate rules may override a "recipient's delivery preference" (remarks, page 6, lines 19-22).

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Furthermore, Fig. 5 also shows a position 202 which may be used to filter incoming communications. For example, only people who have direct reporting relationships with a person may be able to send mail to that person (i.e. corporation rule); and alternatively, position 202 may be considered a ranking may dictate that only communications from people of a certain position level of ranking are forward (i.e. a "corporate preference" may temporarily ban email or facsimile message due to security concerns) (col. 7, lines 58-67).

It is thus evident that Balma does teach a "corporate delivery preference". Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Miranda Le
April 07, 2004



SEETA ROBINSON
PRIMARY EXAMINER